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PATENT APPLICATION

ATTORNEY DOCKET NO. 10012199-1

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): **Thane M. Larson et al.**

Confirmation No.:

Application No.: **09/923,881**

Examiner: **Paul H. Kang**

Filing Date: **August 7, 2001**

Group Art Unit: **2141**

Title: **SERVER SYSTEM WITH SEGREGATED MANAGEMENT LAN AND PAYLOAD LAN**

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on February 13, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Typed Name: **Jeff A. Holmen**

Signature: *Jeff A. Holmen*

Respectfully submitted,

Thane M. Larson et al.

By *Jeff A. Holmen*

Jeff A. Holmen

Attorney/Agent for Applicant(s)

Reg No.: **38,492**

Date: **March 23, 2006**

Telephone: **(612) 573-0178**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Applicant:	Thane M. Larson et al.	Examiner:	Paul H. Kang
Serial No.:	09/923,881	Group Art Unit:	2141
Filed:	August 7, 2001	Docket No.:	10012199-1 / H300.165.101
Due Date:	April 13, 2006		
Title:	SERVER SYSTEM WITH SEGREGATED MANAGEMENT LAN AND PAYLOAD LAN		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed on February 13, 2006, appealing the final rejection of claims 1, 2, and 4-20 of the above-identified application as set forth in the Final Office Action mailed September 22, 2005.

The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 08-2025 in the amount of \$500.00 for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests consideration and reversal of the Examiner's rejection of pending claims 1, 2, and 4-20.

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Title: SERVER SYSTEM WITH SEGREGATED MANAGEMENT LAN AND PAYLOAD LAN**REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present Appeal.

STATUS OF CLAIMS

In a Final Office Action mailed September 22, 2005, claims 1, 2, and 4-20 were finally rejected. Claims 1-20 are pending in the application and are the subject of the present Appeal.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Final Office Action mailed September 22, 2005. A Response after Final was filed on November 21, 2005, but no amendments to the claims were proposed by Appellants or entered by the Examiner.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The Summary is set forth as an exemplary embodiment as the language corresponding to independent claims 1, 12, and 18. Discussions about elements of claims 1, 12, and 18 can be found at least at the cited locations in the specification and drawings.

One aspect of the present invention, as claimed in independent claim 1, is directed to a server system that includes a plurality of host processor cards for providing management LAN communications separated from payload LAN communications. A first card is coupled to the plurality of host processor cards and coupled to a payload LAN. The plurality of host processor cards are configured to provide payload LAN communications through the first card. A second card is coupled to the plurality of host processor cards and coupled to a

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management LAN. The plurality of host processor cards are configured to provide management LAN communications with the management LAN through the second card. (See, e.g., specification at page 3, line 12 to page 6, line 6; page 7, line 9 to page 9, line 27; page 17, line 17 to page 20, line 5; Figures 1-3, 5, and 6; reference numbers 100, 300A, 300C, 300F, 303, and 320).

One aspect of the present invention, as claimed in independent claim 12, is directed to a method of providing physically separate management LAN communications and payload LAN communications for a server system. The method includes providing a plurality of host processor cards for providing management LAN communications and payload LAN communications. The method includes routing management LAN communications from the plurality of host processor cards through a server management card. The method includes routing management LAN communications from the server management card to a management LAN, routing payload LAN communications from the plurality of host processor cards through a first LAN switch, and routing payload LAN communications from the first LAN switch to a payload LAN. (See, e.g., specification at page 3, line 12 to page 6, line 6; page 7, line 9 to page 9, line 27; page 17, line 17 to page 20, line 5; Figures 1-3, 5, and 6; reference numbers 100, 300A, 300C, 300E, 303, and 320).

One aspect of the present invention, as claimed in independent claim 18, is directed to a server system. The server system includes a backplane. A plurality of host processor cards are coupled to the backplane. A LAN switch card is coupled to the plurality of host processor cards through the backplane and coupled to a payload LAN. The plurality of host processor cards are configured to provide payload LAN communications through the LAN switch card. A server management card is coupled to the plurality of host processor cards through the backplane and coupled to a management LAN. The plurality of host processor cards are configured to provide management LAN communications with the management LAN through the server management card. (See, e.g., specification at page 3, line 12 to page 6, line 6; page 7, line 9 to page 9, line 27; page 17, line 17 to page 20, line 5; Figures 1-3, 5, and 6; reference numbers 100, 106, 300A, 300C, 300E, 303, and 320).

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Title: SERVER SYSTEM WITH SEGREGATED MANAGEMENT LAN AND PAYLOAD LAN**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- I. Claims 1, 2, and 4-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by O'Leary et al., U.S. Patent Application Publication No. 2002/0180498 ("O'Leary").

ARGUMENT

I. **The Applicable Law**

To anticipate a claim under 35 U.S.C. 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

II. **Rejection of Claims 1, 2, and 4-20 under 35 U.S.C. §102(e) as being anticipated by O'Leary**

The Examiner rejected claims 1, 2, and 4-20 under 35 U.S.C. §102(e) as being anticipated by O'Leary et al., U.S. Patent Application Publication No. 2002/0180498 ("O'Leary"). Appellants respectfully submit that O'Leary does not teach or suggest the invention of independent claims 1, 12, and 18, and the claims depending therefrom.

A. **Rejection of Claim 1 under 35 U.S.C. §102(e) as being anticipated by O'Leary**

Independent claim 1 is directed to a server system and recites "a plurality of host processor cards for providing management LAN communications separated from payload LAN communications", "a first card coupled to the plurality of host processor cards and coupled to a payload LAN, the plurality of host processor cards configured to provide payload LAN communications through the first card", and "a second card coupled to the plurality of host processor cards and coupled to a management LAN, the plurality of host processor cards configured to provide management LAN communications with the management LAN through the second card."

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With respect to independent claims 1, 12, and 18, the Examiner stated that O'Leary teaches a server system and method comprising:

a plurality of host processor cards for providing management LAN communications separated from payload LAN communications (§§0057);

a first card coupled to the plurality of host processor cards and coupled to a payload LAN, the plurality of host processor cards configured to provide payload LAN communications (sic) through the first card (§§0057); and

a second card coupled to the plurality of host processor cards and coupled to a management LAN, the plurality of host processor cards configured to provide management LAN communications with the management LAN through the second card (§§0057). (Final Office Action at para. no. 3, pages 2-3).

O'Leary is directed to a phase locked loop. (See, e.g., O'Leary at Title and Abstract). O'Leary indicates that the phase locked loop is suitable for use in timing circuits of communication systems (Abstract), and in Figure 6, shows a "network element 600" having a timing circuit with the phase locked loop. (See, e.g., O'Leary at para. no. 0057). The network element 600 shown in Figure 6 is described in paragraph 0057 of O'Leary, which is the only portion of O'Leary cited by the Examiner as allegedly teaching or suggesting each and every limitation of all of the rejected claims. The network element 600 of O'Leary includes various cards and controllers that are connected via a backplane 634. (O'Leary at Figure 6 and para. no. 0057). O'Leary indicates that the cards communicate with one of the redundant ring interface cards 626, which can be coupled to a network as shown in Figures 7 and 8 of O'Leary. (O'Leary at para. no. 0057, and Figures 6, 7, and 8).

The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards recited in independent claim 1. There is no teaching or suggestion in O'Leary that any of the cards in the network element 600 are host processor cards, let alone host processor cards that provide management LAN communications separated from payload LAN communications.

The Examiner has not identified any cards in network element 600 that allegedly correspond to the "first card" or the "second card" recited in independent claim 1. O'Leary does not teach or suggest a first card coupled to a plurality of host processor cards and coupled to a payload LAN, and a second card coupled to a plurality of host processor cards

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and coupled to a management LAN. Rather, O'Leary indicates that the cards in network element 600 communicate with one of the redundant ring interface cards 626, which can be coupled to a network as shown in Figures 7 and 8 of O'Leary. (O'Leary at para. no. 0057, and Figures 6, 7, and 8). Thus, O'Leary discloses that the network element 600 can be coupled to a **single** network (as shown in Figure 7 and 8) via the redundant ring interface cards 626. O'Leary does not teach or suggest separate management and payload LAN's, or segregating management and payload communications.

In the Final Office Action, the Examiner stated the following:

The examiner respectfully disagrees with the applicants reading of the prior art. O'Leary teaches a plurality of network cards comprising a network management interface card (NMIC) for network management communications, and shelf controller 622/624 and other network interface cards for payload LAN communications. See O'Leary, figure 6. It is clear from the description of figure 6 that network management communications are handled by the NMIC and payload communications are handled by the other cards of the system. (Final Office Action at para. no. 6, pages 3-4).

The Examiner's Response ignores most of the claim language, and does not identify any correspondence between the claim elements and the disclosure in O'Leary. For example, the Examiner has not even identified which cards in O'Leary, if any, allegedly correspond to the host processor cards recited in the independent claims. O'Leary does not teach or suggest separate management and payload LAN's, or segregating management LAN and payload LAN communications. Rather, O'Leary discloses that the network element 600 can be coupled to a **single** network (as shown in Figure 7 and 8) via the redundant ring interface cards 626. Thus, all network communications from network element 600 will be commingled on this network (see, e.g., the Background of the Invention of the present application for a more detailed description of the problems associated with such commingling).

In view of the above, independent claim 1 is not taught or suggested by O'Leary. Appellants submit that independent claim 1 is not anticipated by O'Leary, and respectfully request that the rejection of independent claim 1 under 35 U.S.C. § 102(e) be withdrawn.

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Title: SERVER SYSTEM WITH SEGREGATED MANAGEMENT LAN AND PAYLOAD LAN**B. Rejection of Claim 2 under 35 U.S.C. §102(e) as being anticipated by O'Leary**

Dependent claim 2 recites "wherein the first card is a LAN switch card." The Examiner has not identified any card in network element 600 that allegedly corresponds to the LAN switch card recited in dependent claim 2. O'Leary does not teach or suggest a LAN switch card coupled to a plurality of host processor cards and coupled to a payload LAN.

Dependent claim 2, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 2 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 2 under 35 U.S.C. § 102(e) be withdrawn.

C. Rejection of Claim 4 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 4 recites "wherein the second card is a server management card." The Examiner has not identified any card in network element 600 that allegedly corresponds to the server management card recited in dependent claim 4. O'Leary does not teach or suggest a server management card coupled to a plurality of host processor cards and coupled to a management LAN.

Dependent claim 4, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 4 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 4 under 35 U.S.C. § 102(e) be withdrawn.

D. Rejection of Claim 5 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 5 recites "wherein the server management card is configured to monitor operation of the server system." The Examiner has not identified any card in network element 600 that allegedly corresponds to the server management card recited in dependent claim 5. O'Leary does not teach or suggest a server management card configured to monitor operation of a server system.

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Dependent claim 5, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 5 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 5 under 35 U.S.C. § 102(e) be withdrawn.

E. Rejection of Claim 6 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 6 recites "wherein the server management card includes a management processor and a LAN switch, the LAN switch coupled to management connections of the host processor cards, and management connections of the management processor." The Examiner has not identified any card in network element 600 that allegedly corresponds to the server management card recited in dependent claim 6. O'Leary does not teach or suggest a server management card including a management processor and a LAN switch, the LAN switch coupled to management connections of host processor cards, and management connections of the management processor.

Dependent claim 6, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 6 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 6 under 35 U.S.C. § 102(e) be withdrawn.

F. Rejection of Claim 7 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 7 recites "a backplane for connecting the plurality of host processor cards to the first card and the server management card." The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards, the first card, or the server management card, recited in dependent claim 7. O'Leary does not teach or suggest a plurality of host processor cards connected to a first card and a server management card via a backplane.

Dependent claim 7, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference.

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Appellants submit that dependent claim 7 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 7 under 35 U.S.C. § 102(e) be withdrawn.

G. Rejection of Claim 8 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 8 recites "wherein the plurality of host processor cards are configured to communicate status information to the server management card via at least one I²C bus routed through the backplane." The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards or the server management card recited in dependent claim 8, nor has the Examiner identified any disclosure in O'Leary regarding an I²C bus. O'Leary does not teach or suggest a plurality of host processor cards configured to communicate status information to a server management card via at least one I²C bus routed through a backplane.

Dependent claim 8, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 8 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 8 under 35 U.S.C. § 102(e) be withdrawn.

H. Rejection of Claim 9 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 9 recites "a third card coupled to the plurality of host processor cards and coupled to a software event manager, the host processor cards configured to transmit software events through the third card to the software event manager." The Examiner has not identified any cards in network element 600 that allegedly correspond to the third card or the host processor cards recited in dependent claim 9, nor has the Examiner identified any disclosure in O'Leary regarding a software event manager or software events. O'Leary does not teach or suggest a third card coupled to a plurality of host processor cards and coupled to a software event manager, the host processor cards configured to transmit software events through the third card to the software event manager.

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Dependent claim 9, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 9 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 9 under 35 U.S.C. § 102(e) be withdrawn.

I. Rejection of Claim 10 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 10 recites "wherein the third card is a LAN switch card." The Examiner has not identified any card in network element 600 that allegedly corresponds to the LAN switch card recited in dependent claim 10. O'Leary does not teach or suggest a LAN switch card coupled to a plurality of host processor cards and coupled to a software event manager.

Dependent claim 10, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 10 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 10 under 35 U.S.C. § 102(e) be withdrawn.

J. Rejection of Claim 11 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 11 recites "wherein the plurality of host processor cards are configured to transmit hardware events to the second card." The Examiner has not identified any cards in network element 600 that allegedly correspond to the second card or the host processor cards recited in dependent claim 11, nor has the Examiner identified any disclosure in O'Leary regarding the transmission of hardware events. O'Leary does not teach or suggest a plurality of host processor cards configured to transmit hardware events to a second card.

Dependent claim 11, which further limits patentably distinct claim 1, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 11 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 11 under 35 U.S.C. § 102(e) be withdrawn.

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K. Rejection of Claim 12 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Independent claim 12 is directed to a method of providing physically separate management LAN communications and payload LAN communications for a server system, and recites "providing a plurality of host processor cards for providing management LAN communications and payload LAN communications", "routing management LAN communications from the plurality of host processor cards through a server management card", "routing management LAN communications from the server management card to a management LAN", "routing payload LAN communications from the plurality of host processor cards through a first LAN switch", and "routing payload LAN communications from the first LAN switch to a payload LAN."

The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards recited in independent claim 12. There is no teaching or suggestion in O'Leary that any of the cards in the network element 600 are host processor cards that provide management LAN communications and payload LAN communications.

The Examiner has not identified any cards in network element 600 that allegedly correspond to the server management card or the first LAN switch recited in independent claim 12, nor has the Examiner identified any disclosure regarding separate management and payload LANs. O'Leary does not teach or suggest "routing management LAN communications from the plurality of host processor cards through a server management card", "routing management LAN communications from the server management card to a management LAN", "routing payload LAN communications from the plurality of host processor cards through a first LAN switch", or "routing payload LAN communications from the first LAN switch to a payload LAN." Rather, O'Leary indicates that the cards in network element 600 communicate with one of the redundant ring interface cards 626, which can be coupled to a network as shown in Figures 7 and 8 of O'Leary. (O'Leary at para. no. 0057, and Figures 6, 7, and 8). Thus, O'Leary discloses that the network element 600 can be coupled to a **single** network (as shown in Figure 7 and 8) via the redundant ring interface cards 626. O'Leary does not teach or suggest separate management and payload LANs, or segregating management and payload communications.

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In view of the above, independent claim 12 is not taught or suggested by O'Leary. Appellants submit that independent claim 12 is not anticipated by O'Leary, and respectfully request that the rejection of independent claim 12 under 35 U.S.C. § 102(e) be withdrawn.

L. Rejection of Claim 13 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 13 recites "wherein the server management card is configured to monitor operation of the server system." The Examiner has not identified any card in network element 600 that allegedly corresponds to the server management card recited in dependent claim 13. O'Leary does not teach or suggest a server management card configured to monitor operation of a server system.

Dependent claim 13, which further limits patentably distinct claim 12, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 13 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 13 under 35 U.S.C. § 102(e) be withdrawn.

M. Rejection of Claim 14 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 14 recites "wherein the server management card includes a management processor and a LAN switch, the method further comprising: routing management communications from the plurality of host processor cards and the management processor through the LAN switch of the server management card to the management LAN." The Examiner has not identified any card in network element 600 that allegedly corresponds to the server management card recited in dependent claim 14. O'Leary does not teach or suggest a server management card including a management processor and a LAN switch, the LAN switch coupled to management connections of host processor cards. O'Leary does not teach or suggest routing management communications from the plurality of host processor cards and the management processor through the LAN switch of the server management card to the management LAN.

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Dependent claim 14, which further limits patentably distinct claim 12, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 14 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 14 under 35 U.S.C. § 102(e) be withdrawn.

N. Rejection of Claim 15 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 15 recites "transmitting status information from the plurality of host processor cards to the server management card via at least one I²C bus routed through a backplane of the server system." The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards or the server management card recited in dependent claim 15, nor has the Examiner identified any disclosure in O'Leary regarding an I²C bus. O'Leary does not teach or suggest transmitting status information from a plurality of host processor cards to a server management card via at least one I²C bus routed through a backplane of a server system.

Dependent claim 15, which further limits patentably distinct claim 12, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 15 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 15 under 35 U.S.C. § 102(e) be withdrawn.

O. Rejection of Claim 16 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 16 recites "transmitting software events from the plurality of host processor cards through a second LAN switch to a software event manager." The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards or the second LAN switch recited in dependent claim 16, nor has the Examiner identified any disclosure in O'Leary regarding a software event manager or software events. O'Leary does not teach or suggest transmitting software events from a plurality of host processor cards through a second LAN switch to a software event manager.

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Dependent claim 16, which further limits patentably distinct claim 12, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 16 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 16 under 35 U.S.C. § 102(e) be withdrawn.

P. Rejection of Claim 17 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 17 recites "transmitting hardware events from the plurality of host processor cards through the server management card to a hardware event manager." The Examiner has not identified any cards in network element 600 that allegedly correspond to the server management card or the host processor cards recited in dependent claim 17, nor has the Examiner identified any disclosure in O'Leary regarding a hardware event manager or the transmission of hardware events. O'Leary does not teach or suggest transmitting hardware events from a plurality of host processor cards through a server management card to a hardware event manager.

Dependent claim 17, which further limits patentably distinct claim 12, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 17 is not anticipated by O'Leary, and respectfully request that the rejection of dependent claim 17 under 35 U.S.C. § 102(e) be withdrawn.

Q. Rejection of Claim 18 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Independent claim 18 is directed to a server system and recites "a backplane", "a plurality of host processor cards coupled to the backplane", "a LAN switch card coupled to the plurality of host processor cards through the backplane and coupled to a payload LAN, the plurality of host processor cards configured to provide payload LAN communications through the LAN switch card", and "a server management card coupled to the plurality of host processor cards through the backplane and coupled to a management LAN, the plurality

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of host processor cards configured to provide management LAN communications with the management LAN through the server management card."

The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards recited in independent claim 18. There is no teaching or suggestion in O'Leary that any of the cards in the network element 600 are host processor cards that provide management LAN communications and payload LAN communications.

The Examiner has not identified any cards in network element 600 that allegedly correspond to the server management card or the LAN switch card recited in independent claim 18, nor has the Examiner identified any disclosure regarding separate management and payload LANs. O'Leary does not teach or suggest "a LAN switch card coupled to the plurality of host processor cards through the backplane and coupled to a payload LAN, the plurality of host processor cards configured to provide payload LAN communications through the LAN switch card", and "a server management card coupled to the plurality of host processor cards through the backplane and coupled to a management LAN, the plurality of host processor cards configured to provide management LAN communications with the management LAN through the server management card." Rather, O'Leary indicates that the cards in network element 600 communicate with one of the redundant ring interface cards 626, which can be coupled to a network as shown in Figures 7 and 8 of O'Leary. (O'Leary at para. no. 0057, and Figures 6, 7, and 8). Thus, O'Leary discloses that the network element 600 can be coupled to a single network (as shown in Figure 7 and 8) via the redundant ring interface cards 626. O'Leary does not teach or suggest separate management and payload LAN's, or segregating management and payload communications.

In view of the above, independent claim 18 is not taught or suggested by O'Leary. Appellants submit that independent claim 18 is not anticipated by O'Leary, and respectfully request that the rejection of independent claim 18 under 35 U.S.C. § 102(e) be withdrawn.

R. Rejection of Claim 19 under 35 U.S.C. §102(e) as being anticipated by O'Leary

Dependent claim 19 recites "a second LAN switch card coupled to the plurality of host processor cards through the backplane and coupled to a software event manager, the host

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processor cards configured to transmit software events through the second LAN switch card to the software event manager.” The Examiner has not identified any cards in network element 600 that allegedly correspond to the host processor cards or the second LAN switch card recited in dependent claim 19, nor has the Examiner identified any disclosure in O’Leary regarding a software event manager or software events. O’Leary does not teach or suggest a second LAN switch card coupled to a plurality of host processor cards through a backplane and coupled to a software event manager, the host processor cards configured to transmit software events through the second LAN switch card to the software event manager.

Dependent claim 19, which further limits patentably distinct claim 18, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 19 is not anticipated by O’Leary, and respectfully request that the rejection of dependent claim 19 under 35 U.S.C. § 102(e) be withdrawn.

S. Rejection of Claim 20 under 35 U.S.C. §102(e) as being anticipated by O’Leary

Dependent claim 20 recites “wherein the plurality of host processor cards are configured to transmit hardware events to the server management card.” The Examiner has not identified any cards in network element 600 that allegedly correspond to the server management card or the host processor cards recited in dependent claim 20, nor has the Examiner identified any disclosure in O’Leary regarding the transmission of hardware events. O’Leary does not teach or suggest a plurality of host processor cards configured to transmit hardware events to a server management card.

Dependent claim 20, which further limits patentably distinct claim 18, and is further distinguishable over the cited reference, is believed to be allowable over the cited reference. Appellants submit that dependent claim 20 is not anticipated by O’Leary, and respectfully request that the rejection of dependent claim 20 under 35 U.S.C. § 102(e) be withdrawn.

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For the above reasons, Appellant respectfully submits that the cited references neither anticipate nor render obvious claims of the present application. The pending claims distinguish over the cited references, and therefore, Appellant respectfully submits that the rejections must be withdrawn, and respectfully requests the Examiner be reversed and claims 1-20 be allowed.

Any inquiry regarding this Amendment and Response should be directed to either David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854, or Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Thane M. Larson et al.

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-0178
Facsimile: (612) 573-2005

Date: 3/23/06
JAH:jmc

Jeff A. Holmen
Jeff A. Holmen
Reg. No. 38,492

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Examiner Kang, Group Art Unit 2141, at Fax No. (571) 273-8300 on this 23rd day of March, 2006.

By: Jeff A. HolmenName: Jeff A. Holmen

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CLAIMS APPENDIX

- 1.(Original) A server system comprising:
 - a plurality of host processor cards for providing management LAN communications separated from payload LAN communications;
 - a first card coupled to the plurality of host processor cards and coupled to a payload LAN, the plurality of host processor cards configured to provide payload LAN communications through the first card; and
 - a second card coupled to the plurality of host processor cards and coupled to a management LAN, the plurality of host processor cards configured to provide management LAN communications with the management LAN through the second card.
- 2.(Original) The server system of claim 1, wherein the first card is a LAN switch card.
- 3.(Original) The server system of claim 2, wherein the first card is a Procurve Ethernet LAN switch card.
- 4.(Original) The server system of claim 1, wherein the second card is a server management card.
- 5.(Original) The server system of claim 4, wherein the server management card is configured to monitor operation of the server system.
- 6.(Original) The server system of claim 5, wherein the server management card includes a management processor and a LAN switch, the LAN switch coupled to management connections of the host processor cards, and management connections of the management processor.

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7.(Original) The server system of claim 4, and further comprising a backplane for connecting the plurality of host processor cards to the first card and the server management card.

8.(Original) The server system of claim 7, wherein the plurality of host processor cards are configured to communicate status information to the server management card via at least one I²C bus routed through the backplane.

9.(Original) The server system of claim 1, and further comprising:
a third card coupled to the plurality of host processor cards and coupled to a software event manager, the host processor cards configured to transmit software events through the third card to the software event manager.

10.(Original) The server system of claim 9, wherein the third card is a LAN switch card.

11.(Original) The server system of claim 9, wherein the plurality of host processor cards are configured to transmit hardware events to the second card.

12.(Original) A method of providing physically separate management LAN communications and payload LAN communications for a server system, the method comprising:

- providing a plurality of host processor cards for providing management LAN communications and payload LAN communications;
- routing management LAN communications from the plurality of host processor cards through a server management card;
- routing management LAN communications from the server management card to a management LAN;
- routing payload LAN communications from the plurality of host processor cards through a first LAN switch; and
- routing payload LAN communications from the first LAN switch to a payload LAN.

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13.(Original) The method of claim 12, wherein the server management card is configured to monitor operation of the server system.

14.(Original) The method of claim 12, wherein the server management card includes a management processor and a LAN switch, the method further comprising:

routing management communications from the plurality of host processor cards and the management processor through the LAN switch of the server management card to the management LAN.

15.(Original) The method of claim 12, and further comprising:

transmitting status information from the plurality of host processor cards to the server management card via at least one I²C bus routed through a backplane of the server system.

16.(Original) The method of claim 12, and further comprising:

transmitting software events from the plurality of host processor cards through a second LAN switch to a software event manager.

17.(Original) The method of claim 12, and further comprising:

transmitting hardware events from the plurality of host processor cards through the server management card to a hardware event manager.

18.(Original) A server system comprising:

a backplane;

a plurality of host processor cards coupled to the backplane;

a LAN switch card coupled to the plurality of host processor cards through the backplane and coupled to a payload LAN, the plurality of host processor cards configured to provide payload LAN communications through the LAN switch card; and

a server management card coupled to the plurality of host processor cards through the backplane and coupled to a management LAN, the plurality of host processor

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cards configured to provide management LAN communications with the management LAN through the server management card.

19.(Original) The server system of claim 18, and further comprising:

a second LAN switch card coupled to the plurality of host processor cards through the backplane and coupled to a software event manager, the host processor cards configured to transmit software events through the second LAN switch card to the software event manager.

20.(Original) The server system of claim 18, wherein the plurality of host processor cards are configured to transmit hardware events to the server management card.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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